

REMARKS

Claims 1-7 are all the claims pending in the present application. In summary, the Examiner maintains the same rejections of claims 1-7 as set forth in the previous Office Action, and adds a few new arguments in the *Response to Arguments* section of the present Office Action. Specifically, claims 1-5 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Fuyama '376 (US Patent No. 6,259,376). Claims 6 and 7 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Fuyama '376 in view of Fuyama '267 (US Patent No. 6,834,267).

§102(e) Rejections (Fuyama '376) - Claims 1-5

Claims 1-5 are rejected for the same reasons set forth in the previous Office Action, and the Examiner adds a few new arguments in the present Office Action. Applicant traverses these rejections at least based on the following reasons.

With respect to independent claim 1, Applicant previously argued that Fuyama '376 does not disclose or suggest at least:

1. "vehicle speed detecting means for detecting a speed of a motor vehicle which passes through a toll gate station equipped with an electronic toll collection system,"
2. "measuring means for measuring reception field intensity of the received electronic toll collection information within a communication coverage area," and
3. "decision means for making decision on the basis of said detected vehicle speed and said measured reception field intensity as to a location within said communication coverage area where electronic toll collection information communication can be started while sustaining favorable reception field intensity at said detected vehicle speed, to thereby allow said communication means to perform communication processing on the basis of result of said decision."

Applicant also previously argued that nowhere does Fuyama '376 disclose or suggest that a vehicle-onboard electronic toll collection apparatus comprises the claimed features set forth above.

In response, the Examiner indicates that the recitation "vehicle onboard electronic toll collection apparatus" has not been given patentable weight because this recitation occurs in the preamble. In response, Applicant submits that the preamble should be given patentable weight because the elements of the body of the claim are not able to stand alone without the context that is provided by the recitation "a vehicle-onboard electronic toll collection apparatus." However, in an effort to advance prosecution, Applicant amends claim 1, as indicated herein, to add the above-quoted recitation of the preamble into the body of the claim. Applicant submits that this amendment does not require further search and/or consideration, as Applicant believes that the Examiner already considered the added features when the Examiner performed his first search for prior art references.

Further, the Examiner maintains that Fuyama '376 satisfies list items "2" and "3", as listed above. In response, Applicant maintains that the cited portions of Fuyama '376 only disclose that a vehicle 35 is judged as an unfair (non-ETC, electronic toll collection) vehicle or a fair (ETC) vehicle depending on whether a communication link is established when a second sensor detects the vehicle 35 and if the communication link is established during a pre-determined interval. Further, Fuyama '376 describes that the invention thereof is provided to prevent establishment of a communication link with one vehicle and with a following vehicle at the same time due to two vehicles existing in the same communication area. However, Fuyama

'376 clearly does not disclose or suggest the features set forth in listed items 2 and 3, as the aspects of Fuyama '376 described in the portions cited by the Examiner (see above) clearly do not relate to the features in listed items 2 and 3 above.

Further, Applicant submits that the Examiner does not even respond to Applicant's previous arguments that there is no disclosure or suggestion of converting the distance data to time data based on an area entering speed, as recited in claims 4 and 5.

Therefore, at least based on the foregoing, and the arguments set forth in the previous Response, Applicant maintains that Fuyama '376 does not anticipate claims 1-5.

§103(a) Rejections (Fuyama '376 / Fuyama '267) - Claims 6 and 7

Claims 6 and 7 are rejected for the same reasons set forth in the previous Office Action. First, Applicant maintains that claims 6 and 7 are patentable at least by virtue of their respective dependencies from independent claim 1. Fuyama '267 does not make up for the deficiencies of Fuyama '376.

Further, with respect to dependent claim 7, the Examiner alleges that the combination of Fuyama '376 and Fuyama '267 satisfies the features of this claim. However, neither Fuyama '376 nor Fuyama '267, either alone or in combination, discloses or suggests the specific feature of generating a synthesized voice message for prompting change of speed of the motor vehicle in dependence on a vehicle speed signal outputted from the vehicle speed detecting means. The Examiner makes several statements about the alleged teachings of the applied references, however he does not demonstrate that either of the applied references, either alone or in combination, satisfies the specific features set forth above. Therefore, Applicant maintains that

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dependent claim 7 is patentably distinguishable over the applied references, either alone or in combination.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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